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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

David LINARES

Defendant.

Magistrate Case No.:

'08 MJ 2335

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 29, 2008, within the Southern District of California, defendant David LINARES did knowingly and intentionally import approximately 9.40 kilograms (20.68 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Special Agent  
U.S. Immigration & Customs  
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH,  
DAY OF JULY 2008.

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

LHN

## STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement Special Agent Reed.

On July 29, 2008 at approximately 0311 hours, David LINARES entered the United States at the Calexico, California, East Port of Entry. LINARES was the driver of a 1993 Toyota Corolla. Canine Enforcement Officer (CEO) R. Navarro was conducting a pre-primary operation with his Human Narcotics Detector Dog (HNDD). The HNDD alerted to the rear trunk area of the 1993 Toyota Corolla. CEO Navarro advised primary inspector, Customs and Border Protection Officer (CBPO) G. Hernandez that his HNDD alerted to the rear of the vehicle and asked him to refer the vehicle for further inspection.

The primary inspector, CBPO Hernandez received a negative Customs declaration from LINARES. CBPO Hernandez referred LINARES and the vehicle he was driving to secondary for further inspection.

In the vehicle secondary lot, CEO Navarro performed a canine inspection of the vehicle. The canine alerted again to the spare tire of the vehicle LINARES was driving.

A subsequent inspection of the vehicle revealed six packages in the vehicle spare tire. CBPO S. Lopez probed one of the packages and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The six packages had a combined net weight of approximately 9.40 kilograms (20.68 pounds).

6/5/08

MAGISTRATE JUDGE INFORMATION SHEET

MAGISTRATE CASE NUMBER \_\_\_\_\_

1. Hearing Date \_\_\_\_\_ 2. AUSA \_\_\_\_\_ 3. Mag Judge Peter C. Lewis  
 4. USAO # \_\_\_\_\_ 5. Agency # \_\_\_\_\_  
 6. Defendant #: 1 of 1 7. Case Agent John Reed  
 8. Charges: 21 USC 952 / 960 Importation of CS  
 9. Defendant's Name: LINARES, David Gerardo 10. Social Security #: 614-94-7879  
 11. Alias: \_\_\_\_\_ 12. Birth Date: 09/07/1977  
 13. Address: 14555 Saticoy St Apt 36, Van Nuys, CA 91405  
 14. Arrest Date: 07/29/2008 15. Place of Arrest: Calexico East POE 16. Date Committed: 07/29/2008  
 17. Agent (s): John Reed 18. Office Phone: \_\_\_\_\_  
 19. Agency: U.S. Immigration and Customs Enforcement 20. Station: \_\_\_\_\_  
 21. Custody: Yes ☒ No \_\_\_\_\_  
 22. Citizenship: U.S. ☒ Mex \_\_\_\_\_ Other \_\_\_\_\_  
 23. INS Status: Res \_\_\_\_\_ BCC \_\_\_\_\_ Illegal \_\_\_\_\_ Other \_\_\_\_\_  
 24. Prior Deport: \_\_\_\_\_ 25. IDENT Hits: \_\_\_\_\_  
 26. Prior Record: None  
 27. Drug Usage: None How Evidenced: \_\_\_\_\_  
 28. Cash on Defendant: \$50.00 29. Other Evidence: \_\_\_\_\_  
 30. Agent's Fact Summary:  
On July 29, 2008 LINARES entered the United States at the Calexico East Port of Entry driving a vehicle  
found to contain a marijuana load.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 31. Agent's Info re: defendant (Employment, Family, Etc.) \_\_\_\_\_  
 32. Def. Attorney: Appointed \_\_\_\_\_ Retained \_\_\_\_\_  
 33. DEFENSE ATTORNEY: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_  
 34. Next Date for: PH Removal Date \_\_\_\_\_ Time \_\_\_\_\_ Detention Date \_\_\_\_\_ Time \_\_\_\_\_  
 35. Bond Set: \_\_\_\_\_  
 36. Material Witnesses Custodial Status: Custody \_\_\_\_\_ Not in Custody \_\_\_\_\_  
 37. MATERIAL WITNESS ATTORNEY: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_  
Court's Orders/Motions Government's Notes For Bail

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## Defendant Locator Form

(Staple behind the Magistrate Information Sheet in front of Criminal History Info)  
(Revised: 8/18/04)

ICE - RAC Callexico (760) 353-9090

Name of Defendant LINARES, David Gerardo DOB 09/07/1977

A-File Number \_\_\_\_\_ Charge 21 USC 952 / 960 Importation of CS

**Imperial County Jail (760) 339-6367**

Arrival Date: 07/29/2008 Time 0335

Booking Number: 887579

Transport Officer: John Reed

Receiving Official: \_\_\_\_\_

**MCC Information (619) 232-4311, Ext. 430 (MCC Records)**

Arrival Date: 7/30/08 Time \_\_\_\_\_

Booking Number: 10445-298

Transport Officer: Vazquez, M.

Receiving Official at MCC: \_\_\_\_\_

### Hospitalized Defendants

Name of Medical Center/Detox Unit: \_\_\_\_\_

Phone Number of Medical Center/Detox Unit: \_\_\_\_\_

Name of Person Receiving Defendant There: \_\_\_\_\_

Date of Hospitalization: \_\_\_\_\_ Time: \_\_\_\_\_

Reason for Hospitalization: \_\_\_\_\_